

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

XUEDAN WANG and ERIN SPENCER, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

THE HEARST CORPORATION,

Defendant.

12 Civ. 0793 (HB) (AJP)

**DECLARATION OF RACHEL BIEN IN SUPPORT OF PLAINTIFFS' MOTIONS
FOR PARTIAL SUMMARY JUDGMENT AND
CLASS CERTIFICATION PURSUANT TO FED. R. CIV. P. 23**

I, Rachel Bien, declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am a partner at Outten & Golden LLP ("O&G"), counsel for Plaintiffs and opt-in Plaintiffs ("Plaintiffs") in the above-referenced action. O&G is a 30+ attorney firm based in New York City that represents plaintiffs in a wide variety of employment matters, including individual and class action litigation involving wage and hour, discrimination, and harassment claims, as well as contract and severance negotiations.

2. I am an attorney in good standing admitted to practice in the State of New York and before this Court.

3. I have been one of the attorneys primarily responsible for the prosecution of this action.

4. I make this declaration in support of Plaintiffs' Motions for Partial Summary Judgment and Class Certification Pursuant to Fed. R. Civ. P. 23. I have personal knowledge of the matters set forth herein and would so testify if called as a witness at trial.

Procedural History

5. On February 1, 2012, Plaintiff Xuedan Wang filed a class and collective action complaint alleging that Hearst unlawfully failed to pay minimum wages and overtime to her and other unpaid and underpaid interns for the work that they performed during their internships. ECF No. 1. Plaintiff has amended the complaint three times, *inter alia*, adding Erin Spencer as a named Plaintiff. *See* ECF No. 72 (3d Am. Compl.).

6. On April 4, 2012, Defendant moved to strike the class and collective allegations. ECF No. 9.

7. On June 7, 2012, Plaintiffs cross-moved for conditional certification and notice pursuant to 29 U.S.C. § 216(b). ECF No. 24.

8. On July 7, 2012, the Court granted Plaintiffs' motion for conditional certification and notice pursuant to 29 U.S.C. § 216(b) and denied Defendant's motion to strike. ECF No. 34.

9. On July 24, 2012, Defendant moved for reconsideration of the Court's denial of its motion to strike or leave to file an interlocutory appeal, which the Court denied on August 24, 2012. ECF No. 53.

10. On January 2, 2013, the Court granted Defendant's request to withdraw its good faith affirmative defense. ECF No. 80. On January 8, 2013, Defendant filed an Amended Answer to the Third Amended Complaint that did not assert the defense. ECF No. 82.

11. During the last month of discovery, Defendant served dozens of declarations from its current employees and former interns. The Court granted Plaintiffs' application to extend the discovery deadline until February 15, 2013 in order to take discovery from Defendant's declarants. ECF No. 92. Plaintiffs took the depositions of 39 declarants.

12. On February 15, 2013, the Honorable Andrew J. Peck set a briefing schedule for Plaintiffs' motions for summary judgment and class certification. The Court denied Defendant's request to file another motion to strike the class allegations and ordered it to make its arguments in opposition to Plaintiffs' class certification motion. Judge Peck ordered Plaintiffs to file a 50-page consolidated Memorandum of Law in support of summary judgment and class certification, Defendant to file a 40-page consolidated Opposition and Cross-Motion for summary judgment, and Plaintiff to file a 20-page consolidated Reply. ECF No. 99.

13. There are more than 3,000 members of the proposed class.

14. In furtherance of their duties as class representatives, Plaintiffs Wang and Spencer traveled to New York, sat for a full-day deposition, responded to interrogatories, and produced documents.

15. Plaintiffs and the members of the proposed class all interned in New York City and Hearst is based here.

Counsel's Background and Experience

16. I received a Juris Doctor degree *cum laude* from Brooklyn Law School in 2005. I was admitted to the bar of the State of New York in 2006 and am also admitted to the bars of the Second Circuit Court of Appeals and the United States District Courts for the Eastern and Southern Districts of New York. I am a member in good standing of each of these bars.

17. After serving as a judicial clerk for the Honorable Thomas G. Nelson on the Ninth Circuit Court of Appeals, I joined O&G in 2006, where I have exclusively represented plaintiffs in employment litigation and other employee rights matters.

18. I am a member of the American Bar Association's Labor and Employment Law Section and the Equal Employment Opportunity Committee. I am also a member of the National

Employment Lawyers Association (“NELA”) and NELA’s New York Chapter. I speak frequently on employment law issues, including wage and hour topics.

19. Courts have repeatedly appointed O&G as class counsel in wage and hour class actions. *See, e.g., Capsolas v. Pasta Res. Inc.*, No. 10 Civ. 5595, 2012 WL 1656920, at *2 (S.D.N.Y. May 9, 2012); *Toure v. Amerigroup Corp.*, No. 10 Civ. 5391, 2012 WL 1432302, at *1-2 (E.D.N.Y. Apr. 20, 2012); *Damassia v. Duane Reade, Inc.*, 250 F.R.D. 152, 158 (S.D.N.Y. 2008); *Torres v. Gristede’s Operating Corp.*, No. 04 Civ. 3316, 2006 WL 2819730, at *15 (S.D.N.Y. Sept. 29, 2006).

20. O&G has performed significant litigation and discovery work already on behalf of the proposed class.

Exhibits

21. Attached hereto as Exhibit 1 are true and correct copies of relevant excerpts of the deposition transcript of Hannah Anderson, dated January 25, 2013 (“Anderson Tr.”).

22. Attached hereto as Exhibit 2 are true and correct copies of relevant excerpts of the deposition transcript of Marguerite Berard, dated January 29, 2013 (“Berard Tr.”).

23. Attached hereto as Exhibit 3 are true and correct copies of relevant excerpts of the deposition transcript of Sam Broekema, dated January 23, 2013 (“Broekema Tr.”).

24. Attached hereto as Exhibit 4 are true and correct copies of relevant excerpts of the deposition transcript of Tara Buchalter, dated January 28, 2013 (“Buchalter Tr.”).

25. Attached hereto as Exhibit 5 are true and correct copies of relevant excerpts of the deposition transcript of Anna Chelak, dated January 30, 2013 (“Chelak Tr.”).

26. Attached hereto as Exhibit 6 are true and correct copies of relevant excerpts of the deposition transcript of Debi Chirichella, dated January 25, 2013 (“Chirichella Tr.”).

27. Attached hereto as Exhibit 7 are true and correct copies of relevant excerpts of the deposition transcript of Alethea Critides, dated January 30, 2013 (“Critides Tr.”).

28. Attached hereto as Exhibit 8 are true and correct copies of relevant excerpts of the deposition transcript of Caitlin Dunn, dated January 30, 2013 (“Dunn Tr.”).

29. Attached hereto as Exhibit 9 are true and correct copies of relevant excerpts of the deposition transcript of Amanda Elser, dated January 31, 2013 (“Elser Tr.”).

30. Attached hereto as Exhibit 10 are true and correct copies of relevant excerpts of the deposition transcript of Michelle Faucett, dated February 1, 2013 (“Faucett Tr.”).

31. Attached hereto as Exhibit 11 are true and correct copies of relevant excerpts of the deposition transcript of Michelle Fazio, dated January 29, 2013 (“Fazio Tr.”).

32. Attached hereto as Exhibit 12 are true and correct copies of relevant excerpts of the deposition transcript of Ruthie Friedlander, dated February 12, 2013 (“Friedlander Tr.”).

33. Attached hereto as Exhibit 13 are true and correct copies of relevant excerpts of the deposition transcript of Michelle Gonzalez, dated February 1, 2013 (“Gonzalez Tr.”).

34. Attached hereto as Exhibit 14 are true and correct copies of relevant excerpts of the deposition transcript of Melissa Groher, dated January 28, 2013 (“Groher Tr.”).

35. Attached hereto as Exhibit 15 are true and correct copies of relevant excerpts of the deposition transcript of Amy Helmus Ascalon, dated May 25, 2012 (“Helmus Tr.”).

36. Attached hereto as Exhibit 16 are true and correct copies of relevant excerpts of the deposition transcript of Danielle Henderson, dated January 23, 2013 (“Henderson Tr.”).

37. Attached hereto as Exhibit 17 are true and correct copies of relevant excerpts of the deposition transcript of Robin Hilmantel, dated January 25, 2013 (“Hilmantel Tr.”).

38. Attached hereto as Exhibit 18 are true and correct copies of relevant excerpts of the deposition transcript of Kimberley Holiver, dated January 28, 2013 (“Holiver Tr.”).

39. Attached hereto as Exhibit 19 are true and correct copies of relevant excerpts of the deposition transcript of Ashley Johns, dated January 23, 2013 (“Johns Tr.”).

40. Attached hereto as Exhibit 20 are true and correct copies of relevant excerpts of the deposition transcript of Kayla Kommer, dated January 25, 2013 (“Kommer Tr.”).

41. Attached hereto as Exhibit 21 are true and correct copies of relevant excerpts of the deposition transcript of Caitlin Leszuk, dated January 4, 2013 (“Leszuk Tr.”).

42. Attached hereto as Exhibit 22 are true and correct copies of relevant excerpts of the deposition transcript of Elizabeth Mancini, dated December 6, 2012 (“Mancini Tr.”).

43. Attached hereto as Exhibit 23 are true and correct copies of relevant excerpts of the deposition transcript of Emily McCoy, dated January 30, 2013 (“McCoy Tr.”).

44. Attached hereto as Exhibit 24 are true and correct copies of relevant excerpts of the deposition transcript of Bryan Neilon, dated January 22, 2013 (“Neilon Tr.”).

45. Attached hereto as Exhibit 25 are true and correct copies of relevant excerpts of the deposition transcript of Soojin Park, dated January 24, 2013 (“Park Tr.”).

46. Attached hereto as Exhibit 26 are true and correct copies of relevant excerpts of the deposition transcript of Elizabeth Perle, dated February 11, 2013 (“Perle Tr.”).

47. Attached hereto as Exhibit 27 are true and correct copies of relevant excerpts of the deposition transcript of Alexandra Rappaport, dated January 17, 2013 (“Rappaport Tr.”).

48. Attached hereto as Exhibit 28 are true and correct copies of relevant excerpts of the deposition transcript of Leslie Reyes, dated January 25, 2013 (“Reyes Tr.”).

49. Attached hereto as Exhibit 29 are true and correct copies of relevant excerpts of the deposition transcript of Katie Riordan, dated January 31, 2013 (“Riordan Tr.”).

50. Attached hereto as Exhibit 30 are true and correct copies of relevant excerpts of the deposition transcript of Molly Ritterbeck, dated February 1, 2013 (“Ritterbeck Tr.”).

51. Attached hereto as Exhibit 31 are true and correct copies of relevant excerpts of the deposition transcript of Scherri Roberts, dated May 21, 2012 (“Roberts Tr. I”).

52. Attached hereto as Exhibit 32 are true and correct copies of relevant excerpts of the deposition transcript of Scherri Roberts, dated January 24, 2013 (“Roberts Tr. II”).

53. Attached hereto as Exhibit 33 are true and correct copies of relevant excerpts of the deposition transcript of Karla Rodriguez, dated February 5, 2013 (“Rodriguez Tr.”).

54. Attached hereto as Exhibit 34 are true and correct copies of relevant excerpts of the deposition transcript of Ashley Ross, dated January 23, 2013 (“Ross Tr.”).

55. Attached hereto as Exhibit 35 are true and correct copies of relevant excerpts of the deposition transcript of Rachel Rothman, dated January 30, 2013 (“Rothman Tr.”).

56. Attached hereto as Exhibit 36 are true and correct copies of relevant excerpts of the deposition transcript of Melanie Rud, dated January 28, 2013 (“Rud Tr.”).

57. Attached hereto as Exhibit 37 are true and correct copies of relevant excerpts of the deposition transcript of Stephanie Saltzman, dated February 4, 2013 (“Saltzman Tr.”).

58. Attached hereto as Exhibit 38 are true and correct copies of relevant excerpts of the deposition transcript of Ashley Santucci, dated February 7, 2013 (“Santucci Tr.”).

59. Attached hereto as Exhibit 39 are true and correct copies of relevant excerpts of the deposition transcript of Melise Senaydin, dated January 30, 2013 (“Senaydin Tr.”).

60. Attached hereto as Exhibit 40 are true and correct copies of relevant excerpts of the deposition transcript of Melissa Shapiro, dated January 31, 2013 (“Shapiro Tr.”).

61. Attached hereto as Exhibit 41 are true and correct copies of relevant excerpts of the deposition transcript of Emily Simmons, dated February 13, 2013 (“Simmons Tr.”).

62. Attached hereto as Exhibit 42 are true and correct copies of relevant excerpts of the deposition transcript of Stephanie Skorka, dated January 18, 2013 (“Skorka Tr.”).

63. Attached hereto as Exhibit 43 are true and correct copies of relevant excerpts of the deposition transcript of Erin Spencer, dated December 7, 2012 (“Spencer Tr.”).

64. Attached hereto as Exhibit 44 are true and correct copies of relevant excerpts of the deposition transcript of Catherine Sullivan, dated January 24, 2013 (“Sullivan Tr.”).

65. Attached hereto as Exhibit 45 are true and correct copies of relevant excerpts of the deposition transcript of Lisa Tam, dated January 29, 2013 (“Tam Tr.”).

66. Attached hereto as Exhibit 46 are true and correct copies of relevant excerpts of the deposition transcript of Annick Thomas, dated February 4, 2013 (“Thomas Tr.”).

67. Attached hereto as Exhibit 47 are true and correct copies of relevant excerpts of the deposition transcript of Jihan Thompson, dated January 28, 2013 (“Thompson Tr.”).

68. Attached hereto as Exhibit 48 are true and correct copies of relevant excerpts of the deposition transcript of Kathryn Tomlinson, dated January 29, 2013 (“Tomlinson Tr.”).

69. Attached hereto as Exhibit 49 are true and correct copies of relevant excerpts of the deposition transcript of Matthew Wagster, dated November 30, 2012 (“Wagster Tr.”).

70. Attached hereto as Exhibit 50 are true and correct copies of relevant excerpts of the deposition transcript of Xuedan Wang, dated December 18, 2012 (“Wang Tr.”).

71. Attached hereto as Exhibit 51 are true and correct copies of relevant excerpts of the deposition transcript of Sarah Wheels, dated January 23, 2013 (“Wheels Tr.”).

72. Attached hereto as Exhibit 52 are true and correct copies of relevant excerpts of the deposition transcript of Abbe Wright, dated January 30, 2013 (“Wright Tr.”).

73. Attached hereto as Exhibit 53 are true and correct copies of relevant excerpts of the deposition transcript of Mary Beth Yale, dated January 30, 2013 (“Yale Tr.”).

74. Attached hereto as Exhibit 54 is a true and correct copy of a letter, dated October 5, 2007 from Karin Kato to Lawrence Hamel-Lambert (“Letter, dated Oct. 5, 2007”), which was marked as Exhibit 2 in the deposition of Hannah Anderson.

75. Attached hereto as Exhibit 55 is a true and correct copy of Harper’s Bazaar Fashion Editorial Internship Guidelines (“Harper’s Bazaar Fashion Editorial Internship Guidelines”), which was marked as Exhibit 3 in the deposition of Sam Broekema, bearing Bates numbers D0015923-15925.

76. Attached hereto as Exhibit 56 is a true and correct copy of the Declaration of Samuel Broekema (“Broekema Decl.”), which was marked as Exhibit 4 in the deposition of Samuel Broekema.

77. Attached hereto as Exhibit 57 is a true and correct copy of an internship posting for a Harper’s Bazaar Accessories Internship (“Accessories Internship Posting”), which was marked as Exhibit 5 in the deposition of Samuel Broekema.

78. Attached hereto as Exhibit 58 is a true and correct copy of an Internship Agreement form for Xuedan Wang (“Internship Agreement”), which was marked as Exhibit 10 in the deposition of Samuel Broekema, bearing Bates number P0000054.

79. Attached hereto as Exhibit 59 are true and correct copies of budgets for editorial, printing, postage, delivery, and advertising expenses for Hearst magazines (“Magazine Budgets”), which were marked as Exhibit 2 in the deposition of Debi Chirichella, bearing Bates numbers D0007117-7136.

80. Attached hereto as Exhibit 60 is a true and correct copy of an e-mail, dated July 21, 2011 from Leslie Smith to Scherri Roberts (“Email, dated July 21, 2011”), which was marked as Exhibit 3 in the deposition of Debi Chirichella, bearing Bates numbers D0012247-12248.

81. Attached hereto as Exhibit 61 is a true and correct copy of an e-mail, dated December 4, 2008 from Andrea Rosengarten to NYC HBZ Editorial2 (“Email, dated Dec. 4, 2008”), which was marked as Exhibit 4 in the deposition of Debi Chirichella, bearing Bates numbers D0005583-5584.

82. Attached hereto as Exhibit 62 is a true and correct copy of the LinkedIn Profile of Amanda Elser (“Elser LinkedIn Profile”), which was marked as Exhibit 2 to the deposition of Amanda Elser.

83. Attached hereto as Exhibit 63 is a true and correct copy of a Seventeen Editorial Intern Manual (“Seventeen Editorial Intern Manual”), which was marked as Exhibit 2 in the deposition of Ruthie Friedlander, bearing Bates numbers D0017131-17159.

84. Attached hereto as Exhibit 64 is a true and correct copy of internship postings for several Hearst publications, including a Food Network Advertising Sales Internship (“Food Network Advertising Sales Internship”), which was marked as Exhibit 7 to the deposition of Kimberley Holiver, bearing Bates numbers D0000102-115.

85. Attached hereto as Exhibit 65 is a true and correct copy of an email, dated January 11, 2012 from Ashley Johns to Ashley Martinez (“Email, dated Jan. 11, 2012”), which was marked as Exhibit 6 to the deposition of Ashley Johns, bearing Bates numbers D0132031-132032.

86. Attached hereto as Exhibit 66 is a true and correct copy of an email, dated January 17, 2012 from Dean Carras to Ashley Johns (“Email, dated Jan. 17, 2012”), which was marked as Exhibit 7 to the deposition of Ashley Johns, bearing Bates numbers D0132091-132093.

87. Attached hereto as Exhibit 67 is a true and correct copy of an email dated January 28, 2010 from Marie Claire AdvTemp (“Email, dated Jan. 28, 2010”), which was marked as Exhibit 15 to the deposition of Caitlin Leszuk, bearing Bates number P0001682.

88. Attached hereto as Exhibit 68 is a true and correct copy of the resume of Alexandra Rappaport (“Rappaport Resume”), which was marked as Exhibit 1 to the deposition of Alexandra Rappaport, bearing Bates number P0001908.

89. Attached hereto as Exhibit 69 is a true and correct copy of Marie Claire Advertising Internship Overview (“Marie Claire Advertising Internship Overview”), which was marked as Exhibit 7 to the deposition of Katie Riordan, bearing Bates numbers D019335-19343.

90. Attached hereto as Exhibit 70 is a true and correct copy of a Hearst Magazines Internship Performance Review for Katie Riordan (“Riordan Evaluation”), which was marked as Exhibit 14 in the deposition of Katie Riordan, bearing Bates numbers D0007913-7914.

91. Attached hereto as Exhibit 71 is a true and correct copy of the resume of Molly Ritterbeck (“Ritterbeck Resume”), which was marked as Exhibit 1 in the deposition of Molly Ritterbeck.

92. Attached hereto as Exhibit 72 is a true and correct copy of Seventeen Magazine Beauty Intern Guide (“Seventeen Beauty Intern Guide”), which was marked as Exhibit 6 to the deposition of Molly Ritterbeck, bearing Bates numbers D0017060-17067.

93. Attached hereto as Exhibit 73 is a true and correct copy of an article entitled “11 Tips for Getting the Most out of Your Beauty Internship” from the website www.ed2010.com (“Ritterbeck Ed2010 Article”), which was marked as Exhibit 11 to the deposition of Molly Ritterbeck.

94. Attached hereto as Exhibit 74 is a true and correct copy of an e-mail, dated July 28, 2011 from Scherri Roberts to numerous Hearst employees (“Hiring Criteria Email”), which was marked as Exhibit 3 to the first deposition of Scherri Roberts on May 21, 2012, bearing Bates numbers D0002588-2590.

95. Attached hereto as Exhibit 75 is a true and correct copy of Hearst Magazines Internship Guidelines 2007 (“Internship Guideline 2007”), which was marked as Exhibit 4 to the first deposition of Scherri Roberts on May 21, 2012, bearing Bates number D0000099.

96. Attached hereto as Exhibit 76 is a true and correct copy of a memorandum, dated December 2, 2005 from Ruth Diem (“December 2005 Memo”), which was marked as Exhibit 5 to the first deposition of Scherri Roberts on May 21, 2012, bearing Bates number D0005010.

97. Attached hereto as Exhibit 77 is a true and correct copy of the Hearst Magazines Fashion Closet Policy (“Fashion Closet Policy”), which was marked as Exhibit 6 to the first deposition of Scherri Roberts on May 21, 2012, bearing Bates numbers D0002718-2719.

98. Attached hereto as Exhibit 78 is a true and correct copy of a letter which was marked as Exhibit 2 to the second deposition of Scherri Roberts on January 24, 2013, bearing Bates numbers D0012247-12248.

99. Attached hereto as Exhibit 79 is a true and correct copy of an anonymous email to Scherri Roberts dated February 8, 2012 (“Email, dated Feb. 8, 2012”), which was marked as Exhibit 5 to the second deposition of Scherri Roberts on January 24, 2013.

100. Attached hereto as Exhibit 80 is a true and correct copy of a letter from John Silvis dated January 11, 2012 (“M. Condon school credit letter”), which was marked as Exhibit 7 to the second deposition of Scherri Roberts on January 24, 2013, bearing Bates number D0000578.

101. Attached hereto as Exhibit 81 is a true and correct copy of a letter from Tim Mosehauer to Ashley Afriyie, dated May 16, 2011 (“C. Burchfield school credit letter”) which was marked as Exhibit 9 to the second deposition of Scherri Roberts on January 24, 2013, bearing Bates number D0001168.

102. Attached hereto as Exhibit 82 is a true and correct copy of a letter from Adam Knatz to dated April 4, 2011 (“K. Hughes school credit letter”), which was marked as Exhibit 10 to the second deposition of Scherri Roberts on January 24, 2013, bearing Bates number D0000998.

103. Attached hereto as Exhibit 83 is a true and correct copy of a letter, dated April 9, 2010 from Phaedra Fawcett to Kaitlin Morse Creedon (“K. Morse school credit letter”), which was marked as Exhibit 11 to the second deposition of Scherri Roberts on January 24, 2013, bearing Bates number D0001367.

104. Attached hereto as Exhibit 84 is a true and correct copy of the LinkedIn profile of Ashley Ross (“Ross LinkedIn profile”), which was marked as Exhibit 2 to the deposition of Ashley Ross.

105. Attached hereto as Exhibit 85 is a true and correct copy of the Hearst Magazines Internship Performance Review for Melanie Rud (“Rud Evaluation”), which was marked as Exhibit 5 to the deposition of Melanie Rud, bearing Bates numbers D0007206-7207.

106. Attached hereto as Exhibit 86 is a true and correct copy of the resume of Stephanie Saltzman (“Saltzman Resume”), which was marked as Exhibit 1 to the deposition of Stephanie Saltzman.

107. Attached hereto as Exhibit 87 is a true and correct copy of the resume of Ashley Santucci (“Santucci Resume”), which was marked as Exhibit 3 to the deposition of Ashley Santucci.

108. Attached hereto as Exhibit 88 is a true and correct copy of the resume of Emily Simmons (“Simmons Resume”), which was marked as Exhibit 3 to the deposition of Emily Simmons.

109. Attached hereto as Exhibit 89 is a true and correct copy of an email and attachment, dated April 13, 2010 from Erin Spencer (“Email, dated Apr. 13, 2010”), which was marked as Exhibit 1 to the deposition of Erin Spencer, bearing Bates numbers P0000564-566.

110. Attached hereto as Exhibit 90 is a true and correct copy of Cosmopolitan Magazine Summer 2010 Interns (“2010 Summer Interns”), which was marked as Exhibit 10 to the deposition of Erin Spencer, bearing Bates number D0015414.

111. Attached hereto as Exhibit 91 is a true and correct copy of Esquire Magazine Sales and Marketing Internship Program, Winter/Spring Semester 2008/2009 (“Esquire Sales and Marketing Internship”), which was marked as Exhibit 4 to the deposition of Casey Sullivan, bearing Bates number D0005145.

112. Attached hereto as Exhibit 92 is a true and correct copy of the LinkedIn profile of Lisa Tam (“Tam LinkedIn profile”), which was marked as Exhibit 3 to the deposition of Lisa Tam.

113. Attached hereto as Exhibit 93 is a true and correct copy of a Marie Claire Magazine Fashion Intern Handbook (“Marie Claire Fashion Intern Handbook”) which was marked as Exhibit 6 to the deposition of Lisa Tam, bearing Bates numbers D0012069-94.

114. Attached hereto as Exhibit 94 is a true and correct copy of an internship posting for a Harper’s Bazaar Photo & Bookings Internship (“Bazaar Photo & Bookings Internship”), which was marked as Exhibit 4 to the deposition of Annick Thomas, bearing Bates numbers D0014445-47.

115. Attached hereto as Exhibit 95 is a true and correct copy of the Marie Claire Magazine Features Intern Handbook (“Marie Claire Features Intern Handbook”), which was marked as Exhibit 1 to the deposition of Jihan Thompson, bearing Bates numbers D0019138-51.

116. Attached hereto as Exhibit 96 is a true and correct copy of the O Magazine Marketing Internship Application of Katie Tomlinson (“Questionnaire Responses”), which was marked as Exhibit 2 to the deposition of Katie Tomlinson, bearing Bates numbers D0014843-45.

117. Attached hereto as Exhibit 97 is a true and correct copy of the resume of Katie Tomlinson (“Tomlinson Resume”), which was marked as Exhibit 3 to the deposition of Katie Tomlinson, bearing Bates numbers D0110249.

118. Attached hereto as Exhibit 98 is a true and correct copy of the Hearst Magazines Internship Performance Review for Katie Tomlinson (“Tomlinson Evaluation”), which was marked as Exhibit 5 to the deposition of Katie Tomlinson, bearing Bates number D0007926-27.

119. Attached hereto as Exhibit 99 is a true and correct copy of the LinkedIn profile of Mary Beth Yale (“Yale LinkedIn Profile”), which was marked as Exhibit 3 to the deposition of Mary Beth Yale.

120. Attached hereto as Exhibit 100 is a true and correct copy of the Hearst Magazines Internship Performance Review for Mary Beth Yale (“Yale Evaluation”), which was marked as Exhibit 4 to the deposition of Mary Beth Yale, bearing Bates number D0009802.

121. Attached hereto as Exhibit 101 is a true and correct copy of the Declaration of Hannah Anderson (“Anderson Decl.”), bearing Bates numbers D0170599-602.

122. Attached hereto as Exhibit 102 is a true and correct copy of the Declaration of Alyssa Bailey (“Bailey Decl.”), bearing Bates numbers D0170790-95.

123. Attached hereto as Exhibit 103 is a true and correct copy of the Declaration of Molly Barker (“Barker Decl.”), bearing Bates numbers D0170603-607.

124. Attached hereto as Exhibit 104 is a true and correct copy of the Declaration of Marguerite Berard (“Berard Decl.”), bearing Bates numbers D0170608-611.

125. Attached hereto as Exhibit 105 is a true and correct copy of the Declaration of Casey Lynn Brodley (“Brodley Decl.”), bearing Bates numbers D0170796-99.

126. Attached hereto as Exhibit 106 is a true and correct copy of the Declaration of Tara Buchalter (“Buchalter Decl.”), bearing Bates numbers D0170612-17.

127. Attached hereto as Exhibit 107 is a true and correct copy of the Declaration of Allison Cacich (“Cacich Decl.”), bearing Bates numbers D0172528-32.

128. Attached hereto as Exhibit 108 is a true and correct copy of the Declaration of Gloria Cavallaro (“Cavallaro Decl.”), bearing Bates numbers D0172538-43.

129. Attached hereto as Exhibit 109 is a true and correct copy of the Declaration of Anna Chelak (“Chelak Decl.”), bearing Bates numbers D0170622-42.

130. Attached hereto as Exhibit 110 is a true and correct copy of the Declaration of Elizabeth Cleaver (“Cleaver Decl.”), bearing Bates numbers D0172544-47.

131. Attached hereto as Exhibit 111 is a true and correct copy of the Declaration of Julia Corbett (“Corbett Decl.”), bearing Bates numbers D0170643-46.

132. Attached hereto as Exhibit 112 is a true and correct copy of the Declaration of Alethea Critides (“Critides Decl.”), bearing Bates numbers D0170647-51.

133. Attached hereto as Exhibit 113 is a true and correct copy of the Declaration of Katherine Dewitt (“Dewitt Decl.”), bearing Bates numbers D0170800-804.

134. Attached hereto as Exhibit 114 is a true and correct copy of the Declaration of Caitlin Dunn (“Dunn Decl.”), bearing Bates numbers D0170661-65.

135. Attached hereto as Exhibit 115 is a true and correct copy of the Declaration of Amanda Elser (“Elser Decl.”), bearing Bates numbers D0170805-809.

136. Attached hereto as Exhibit 116 is a true and correct copy of the Declaration of Alexandra Feuer (“Feuer Decl.”), bearing Bates numbers D0170670-74.

137. Attached hereto as Exhibit 117 is a true and correct copy of the Declaration of Ruthie Friedlander (“Friedlander Decl.”), bearing Bates numbers D0172552-56.

138. Attached hereto as Exhibit 118 is a true and correct copy of the Declaration of Michelle Gonzalez (“Gonzalez Decl.”), bearing Bates numbers D0170816-19.

139. Attached hereto as Exhibit 119 is a true and correct copy of the Declaration of Melissa Groher (“Groher Decl.”), bearing Bates numbers D0170675-78.

140. Attached hereto as Exhibit 120 is a true and correct copy of the Declaration of Karee Hackel (“Hackel Decl.”), bearing Bates numbers 170679-82.

141. Attached hereto as Exhibit 121 is a true and correct copy of the Declaration of Danielle Henderson (“Henderson Decl.”), bearing Bates numbers D0170575-78.

142. Attached hereto as Exhibit 122 is a true and correct copy of the Declaration of Kayla Hutzler (“Hutzler Decl.”), bearing Bates numbers D0170697-702.

143. Attached hereto as Exhibit 123 is a true and correct copy of the Declaration of Mallory Johnson (“Johnson Decl.”), bearing Bates numbers D0170825-29.

144. Attached hereto as Exhibit 124 is a true and correct copy of the Declaration of Laura Kahn (“Kahn Decl.”), bearing Bates numbers D0170830-170834.

145. Attached hereto as Exhibit 125 is a true and correct copy of the Declaration of Michelle Kohen (“Kohen Decl.”), bearing Bates numbers D0170715-D0170718.

146. Attached hereto as Exhibit 126 is a true and correct copy of the Declaration of Kayla Kommer (“Kommer Decl.”), bearing Bates numbers D0170584-170588.

147. Attached hereto as Exhibit 127 is a true and correct copy of the Declaration of Lin Kristensen (“Kristensen Decl.”), bearing Bates numbers D0170719-170722.

148. Attached hereto as Exhibit 128 is a true and correct copy of the Declaration of Elizabeth Mancini (“Mancini Decl.”).

149. Attached hereto as Exhibit 129 is a true and correct copy of the Declaration of Meghan McCloskey (“McCloskey Decl.”), bearing Bates numbers D0170726-170729.

150. Attached hereto as Exhibit 130 is a true and correct copy of the Declaration of Emily McCoy (“McCoy Decl.”), bearing Bates numbers D0170730-170733.

151. Attached hereto as Exhibit 131 is a true and correct copy of the Declaration of Saroyah Mevorach (“Mevorach Decl.”), bearing Bates numbers D0170835-170839.

152. Attached hereto as Exhibit 132 is a true and correct copy of the Declaration of Page Mullins (“Mullins Decl.”), bearing Bates numbers D0170912-170916.

153. Attached hereto as Exhibit 133 is a true and correct copy of the Declaration of Kaitlin Neckles (“Neckles Decl.”), bearing Bates numbers D0172562-172566.

154. Attached hereto as Exhibit 134 is a true and correct copy of the Declaration of Bryan Neilon (“Neilon Decl.”), bearing Bates numbers D0170734-170737.

155. Attached hereto as Exhibit 135 is a true and correct copy of the Declaration of Alyssa Nelson (“Nelson Decl.”), bearing Bates numbers D0172884-172890.

156. Attached hereto as Exhibit 136 is a true and correct copy of the Declaration of Marisa Novello (“Novello Decl.”), bearing Bates numbers D0170917-170921.

157. Attached hereto as Exhibit 137 is a true and correct copy of the Declaration of Soojin Park (“Park Decl.”), bearing Bates numbers D0170738-170741.

158. Attached hereto as Exhibit 138 is a true and correct copy of the Declaration of Elizabeth Perle (“Perle Decl.”), bearing Bates numbers D0172576-172580.

159. Attached hereto as Exhibit 139 is a true and correct copy of the Declaration of Sara Claro Piwko (“Piwko Decl.”), bearing Bates numbers D0172581-172589.

160. Attached hereto as Exhibit 140 is a true and correct copy of the Declaration of Danielle Pozsonyi (“Pozsonyi Decl.”), bearing Bates numbers D0170922-D0170925.

161. Attached hereto as Exhibit 141 is a true and correct copy of the Declaration of Leslie Reyes (“Reyes Decl.”), bearing Bates numbers D0170571-170574.

162. Attached hereto as Exhibit 142 is a true and correct copy of the Declaration of Lynn Rickert (“Rickert Decl.”), bearing Bates numbers D0170745-170749.

163. Attached hereto as Exhibit 143 is a true and correct copy of the Declaration of Katie Riordan (“Riordan Decl.”), bearing Bates numbers D0170754-170758.

164. Attached hereto as Exhibit 144 is a true and correct copy of the Declaration of Molly Ritterbeck (“Ritterbeck Decl.”), bearing Bates numbers D0170759-170763.

165. Attached hereto as Exhibit 145 is a true and correct copy of the Declaration of Scherri Roberts (“Roberts Decl.”).

166. Attached hereto as Exhibit 146 is a true and correct copy of the Declaration of Karla Rodriguez (“Rodriguez Decl.”), bearing Bates numbers D0170931-170935.

167. Attached hereto as Exhibit 147 is a true and correct copy of the Declaration of Michael Roselli (“Roselli Decl.”), bearing Bates numbers D0170936-D0170940.

168. Attached hereto as Exhibit 148 is a true and correct copy of the Declaration of Ashley Ross (“Ross Decl.”), bearing Bates numbers D0170764-170768.

169. Attached hereto as Exhibit 149 is a true and correct copy of the Declaration of Melanie Rud (“Rud Decl.”), bearing Bates numbers D0170764-170768.

170. Attached hereto as Exhibit 150 is a true and correct copy of the Declaration of Blaire Safir (“Safir Decl.”), bearing Bates numbers D0172594-172599.

171. Attached hereto as Exhibit 151 is a true and correct copy of the Declaration of Ashley Santucci (“Santucci Decl.”), bearing Bates numbers D0170769-170772.

172. Attached hereto as Exhibit 152 is a true and correct copy of the Declaration of Melissa Shapiro (“Shapiro Decl.”), bearing Bates numbers D0170945-170950.

173. Attached hereto as Exhibit 153 is a true and correct copy of the Declaration of Emily Simmons (“Simmons Decl.”), bearing Bates numbers D0172891-172895.

174. Attached hereto as Exhibit 154 is a true and correct copy of the Declaration of Stephanie Skorka (“Skorka Decl.”).

175. Attached hereto as Exhibit 155 is a true and correct copy of the Declaration of Casey Sullivan (“Sullivan Decl.”), bearing Bates numbers D0170777-170780.

176. Attached hereto as Exhibit 156 is a true and correct copy of the Declaration of Miriam Taylor (“Taylor Decl.”), bearing Bates numbers D0170951-170956.

177. Attached hereto as Exhibit 157 is a true and correct copy of the Declaration of Katie Tomlinson (“Tomlinson Decl.”), bearing Bates numbers D0170579-170583.

178. Attached hereto as Exhibit 158 is a true and correct copy of the Declaration of Matthew Wagster (“Wagster Decl.”).

179. Attached hereto as Exhibit 159 is a true and correct copy of the Declaration of Xuedan Wang (“Wang Decl.”).

180. Attached hereto as Exhibit 160 is a true and correct copy of the Declaration of Mary Beth Yale (“Yale Decl.”), bearing Bates numbers D0170589-170594.

181. Attached hereto as Exhibit 161 is a true and correct copy of a schedule for Cosmopolitan Magazine’s Spring 2008 Interns (“Cosmo Interns: Spring ’08”), bearing Bates number D0002580.

182. Attached hereto as Exhibit 162 is a true and correct copy of an e-mail, dated March 19, 2007 from Amy Helmus to Michele Forman (“Email, dated Mar. 19, 2007”), bearing Bates numbers D0005447-5448.

183. Attached hereto as Exhibit 163 is a true and correct copy of a Seventeen Fall 2012 Intern Schedule (“Seventeen Fall ’12 Schedule”), bearing Bates number D0007000.

184. Attached hereto as Exhibit 164 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 1”), bearing Bates numbers D0007361-7362.

185. Attached hereto as Exhibit 165 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 2”), bearing Bates numbers D0007444-7445.

186. Attached hereto as Exhibit 166 is a true and correct copy of a Hearst Magazines Internship Performance Review for Melissa Shapiro (“Shapiro Evaluation”), bearing Bates numbers D0007919-7920.

187. Attached hereto as Exhibit 167 is a true and correct copy of a Cosmopolitan Fashion Intern Guide (“Cosmopolitan Fashion Intern Guide”), bearing Bates number D0008040.

188. Attached hereto as Exhibit 168 is a true and correct copy of a Northeastern University Cooperative Education Student Performance Evaluation (“Intern Evaluation 3”), bearing Bates numbers D0008067-8070.

189. Attached hereto as Exhibit 169 is a true and correct copy of an Esquire Fashion Closet Guide (“Esquire Fashion Closet Guide”), bearing Bates numbers D0008132-D0008138.

190. Attached hereto as Exhibit 170 is a true and correct copy of Harper’s Bazaar Advertising Sales Intern Introduction (“Harper’s Bazaar Advertising Sales Intern Guide”), bearing Bates numbers D0009651-9659.

191. Attached hereto as Exhibit 171 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 4”), bearing Bates numbers D0009713-9714.

192. Attached hereto as Exhibit 172 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 5”), bearing Bates number D0009720.

193. Attached hereto as Exhibit 173 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 6”), bearing Bates numbers D0009735-9736.

194. Attached hereto as Exhibit 174 is a true and correct copy of a Hearst Magazines Internship Performance Review (“Intern Evaluation 7”), bearing Bates numbers D0009759-9760.

195. Attached hereto as Exhibit 175 is a true and correct copy of a Mid Summer Intern Evaluation (“Intern Evaluation 8”), bearing Bates number D0009761.

196. Attached hereto as Exhibit 176 is a true and correct copy of a Mid Summer Intern Evaluation (“Intern Evaluation 9”), bearing Bates number D0009775.

197. Attached hereto as Exhibit 177 is a true and correct copy of Elle Accessories Intern Survival Guide (“Elle Accessories Intern Survival Guide”), bearing Bates numbers D0011631-61.

198. Attached hereto as Exhibit 178 is a true and correct copy of Marie Claire Marketing Internship Overview and Responsibilities for Summer 2011 (“Marie Claire Marketing Internship Overview and Responsibilities”), bearing Bates numbers D0012165-D0012173.

199. Attached hereto as Exhibit 179 is a true and correct copy of Marie Claire Advertising Internship Overview and Responsibilities for Summer 2011 (“Marie Claire Advertising Internship Overview and Responsibilities”), bearing Bates numbers D0012171-73.

200. Attached hereto as Exhibit 180 is a true and correct copy of a job posting for an Oprah Magazine Advertising Sales Assistant (“Oprah Magazine Sales Assistant”), bearing Bates numbers D0016787-88.

201. Attached hereto as Exhibit 181 is a true and correct copy of a job posting for a Food Network Magazine Advertising Sales Assistant (“Food Network Sales Assistant”), bearing Bates number D0016848.

202. Attached hereto as Exhibit 182 is a true and correct copy of a job posting for an Esquire Magazine Photo Assistant (“Esquire Photo Assistant”), bearing Bates numbers D0016857-16858.

203. Attached hereto as Exhibit 183 is a true and correct copy of a job posting for a Photo Assistant (“Photo Assistant”), bearing Bates number D16859.

204. Attached hereto as Exhibit 184 is a true and correct copy of a job posting for a Food Network Photo Assistant (“Food Network Photo Assistant”), bearing Bates number D0016861.

205. Attached hereto as Exhibit 185 is a true and correct copy of a job posting for a Cosmopolitan Advertising Sales Assistant (“Cosmo Sales Assistant”), bearing Bates numbers D0016870-16871.

206. Attached hereto as Exhibit 186 is a true and correct copy of a job posting for a Country Living Advertising Sales Assistant (“Country Living Sales Assistant”), bearing Bates numbers D0016872-16873.

207. Attached hereto as Exhibit 187 is a true and correct copy of a job posting for an Elle Décor Advertising Sales Assistant (“ELLE Décor Sales Assistant”), bearing Bates numbers D0016874-16875.

208. Attached hereto as Exhibit 188 is a true and correct copy of a job posting for a Harper’s Bazaar Advertising Sales Assistant (“Bazaar Sales Assistant”), bearing Bates numbers D0016876-16877.

209. Attached hereto as Exhibit 189 is a true and correct copy of a job posting for a Seventeen Magazine Advertising Sales Assistant (“Seventeen Sales Assistant”), bearing Bates numbers D0016886-16887.

210. Attached hereto as Exhibit 190 is a true and correct copy of a job posting for a Woman's Day Magazine Advertising Sales Assistant ("Woman's Day Sales Assistant"), bearing Bates numbers D0016888-16889.

211. Attached hereto as Exhibit 191 is a true and correct copy of a job posting for a Town & Country Magazine Editorial Assistant ("Town & Country Editorial Assistant/Beauty & Health"), bearing Bates numbers D0016935-16936.

212. Attached hereto as Exhibit 192 is a true and correct copy of a job posting for a Fashion Assistant ("Fashion Assistant I"), bearing Bates number D0016980.

213. Attached hereto as Exhibit 193 is a true and correct copy of a job posing for a Fashion Assistant ("Fashion Assistant II"), bearing Bates numbers D0016983-84.

214. Attached hereto as Exhibit 194 is a true and correct copy of a job posting for a Marie Claire Fashion Assistant ("Marie Claire Fashion Assistant"), bearing Bates number D0016985.

215. Attached hereto as Exhibit 195 is a true and correct copy of a job posting for a Marie Claire Accessories Assistant ("Marie Claire Accessories Assistant"), bearing Bates numbers D0016986-16987.

216. Attached hereto as Exhibit 196 is a true and correct copy of a Town & Country Magazine Intern Guide ("Town & Country Intern Guide"), bearing Bates numbers D0017080-17092.

217. Attached hereto as Exhibit 197 is a true and correct copy of a Town & Country Magazine Intern Handbook ("Town & Country Intern Handbook"), bearing Bates numbers D0017093-17101.

218. Attached hereto as Exhibit 198 is a true and correct copy of Esquire Interns: A Guidebook (“Esquire Interns: A Guidebook”), bearing Bates numbers D0017160-17169.

219. Attached hereto as Exhibit 199 is a true and correct copy of Food Network Magazine Photo Department Guidelines 2012 (“Food Network Magazine Photo Department Guidelines 2012”), bearing Bates numbers D0017500-17502.

220. Attached hereto as Exhibit 200 is a true and correct copy of Seventeen Magazine Photo Intern Manual (Seventeen Photo Intern Manual), bearing Bates numbers D0017503-17517.

221. Attached hereto as Exhibit 201 is a true and correct copy of Redbook Magazine Fashion Closet Intern Guide (“Redbook Fashion Closet Intern Guide”), bearing Bates numbers D0017532-17537.

222. Attached hereto as Exhibit 202 is a true and correct copy of Redbook Magazine Features Intern Handbook (“Redbook Features Intern Handbook”), bearing Bates numbers D0017538-17545.

223. Attached hereto as Exhibit 203 is a true and correct copy of Harper’s Bazaar Italian Market Intern Reference (“Harper’s Bazaar Italian Market Intern Reference”), bearing Bates numbers D0018935-18944.

224. Attached hereto as Exhibit 204 is a true and correct copy of Marie Claire Magazine Photo Intern Guide (“Marie Claire Photo Intern Guide”), bearing Bates numbers D0019397-19401.

225. Attached hereto as Exhibit 205 is a true and correct copy of Harper’s Bazaar Intern Guide (“Harper’s Bazaar Intern Guide”), bearing Bates numbers D0019519-19544.

226. Attached hereto as Exhibit 206 is a true and correct copy of an email, dated January 24, 2012 from Melanie Rud to Ashley Martinez (“Email, dated Jan. 24, 2012), bearing Bates number D0131200.

227. Attached hereto as Exhibit 207 is a true and correct copy of an email, dated January 31, 2012 from Molly Ritterbeck to Ashley Martinez (“Email, dated Jan. 31, 2012”), bearing Bates numbers D0158261-158263.

228. Attached hereto as Exhibit 208 is a true and correct copy of an internship posting for a Cosmopolitan Beauty Internship (“Cosmopolitan Beauty Internship”).

229. Attached hereto as Exhibit 209 is a true and correct copy of an internship posting for a Cosmopolitan Editorial Internship (“Cosmopolitan Editorial Internship”).

230. Attached hereto as Exhibit 210 is a true and correct copy of an internship posting for an ELLE Fashion Internship (“ELLE Fashion Internship”).

231. Attached hereto as Exhibit 211 is a true and correct copy of an internship posting for an Esquire Fashion Internship (“Esquire Fashion Internship”).

232. Attached hereto as Exhibit 212 is a true and correct copy of an internship posting for an Esquire Art Internship (“Esquire Art Internship”).

233. Attached hereto as Exhibit 213 is a true and correct copy of an internship posting for an Esquire Marketing Internship (“Esquire Marketing Internship”).

234. Attached hereto as Exhibit 214 is a true and correct copy of an internship posting for a Harper’s Bazaar Advertising Internship (“Harper’s Bazaar Advertising Internship”).

235. Attached hereto as Exhibit 215 is a true and correct copy of an internship posting for an O Marketing Internship (“O Marketing Internship”).

236. Attached hereto as Exhibit 216 is a true and correct copy of an internship posting for a Town & Country Beauty Internship (“Town & Country Beauty Internship”).

237. Attached hereto as Exhibit 217 is a true and correct copy of an internship posting for a Woman’s Day Photo Internship (“Woman’s Day Photo Internship”).

238. Attached hereto as Exhibit 218 is a true and correct copy of an internship posting for an ELLE Beauty Internship (“ELLE Beauty Internship”).

239. Attached hereto as Exhibit 219 is a true and correct copy of an internship posting for a Good Housekeeping Beauty Internship (“Good Housekeeping Beauty Internship”).

240. Attached hereto as Exhibit 220 is a true and correct copy of an internship posting for a Harper’s Bazaar Accessories Internship (“Harper’s Bazaar Accessories Internship”).

241. Attached hereto as Exhibit 221 is a true and correct copy of an internship posting for a Harper’s Bazaar Art/Design Internship (“Harper’s Bazaar Design Internship”).

242. Attached hereto as Exhibit 222 is a true and correct copy of an internship posting for a Harper’s Bazaar Beauty Internship (“Harper’s Bazaar Beauty Internship”).

243. Attached hereto as Exhibit 223 is a true and correct copy of an internship posting for a Harper’s Bazaar Fashion Internship (“Harper’s Bazaar Fashion Internship”).

244. Attached hereto as Exhibit 224 is a true and correct copy of an internship posting for a Harper’s Bazaar Features Internship (“Harper’s Bazaar Features Internship”).

245. Attached hereto as Exhibit 225 are true and correct copy of internship postings for Internships at Good Housekeeping (“Internships at Good Housekeeping”).

246. Attached hereto as Exhibit 226 is a true and correct copy of an internship posting for a Marie Claire Fashion Internship (“Marie Claire Fashion Internship”).

247. Attached hereto as Exhibit 227 is a true and correct copy of an internship posting for an O Magazine Fashion Internship (“O Magazine Fashion Internship”).

248. Attached hereto as Exhibit 228 is a true and correct copy of an internship posting for a Redbook Design Internship (“Redbook Design Internship”).

249. Attached hereto as Exhibit 229 is a true and correct copy of an internship posting for a Seventeen Photo Internship (“Seventeen Photo Internship”).

250. Attached hereto as Exhibit 230 is a true and correct copy of an internship posting for a Country Living Editorial Internship (“Country Living Editorial Internship”).

251. Attached hereto as Exhibit 231 is a true and correct copy of an internship posting for an ELLE Features Internship (“ELLE Features Internship”).

252. Attached hereto as Exhibit 232 is a true and correct copy of an internship posting for an Esquire Photo Internship (“Esquire Photo Internship”).

253. Attached hereto as Exhibit 233 is a true and correct copy of an internship posting for a HGTV Art/Photo Internship (“HGTV Art/Photo Internship”).

254. Attached hereto as Exhibit 234 is a true and correct copy of an internship posting for a Marie Claire Editorial Internship (“Marie Claire Editorial Internship”).

255. Attached hereto as Exhibit 235 is a true and correct copy of an internship posting for a Redbook Beauty Internship (“Redbook Beauty Internship”).

256. Attached hereto as Exhibit 236 is a true and correct copy of an internship posting for a Town & Country Marketing Internship (“Town & Country Marketing Internship”).

257. Attached hereto as Exhibit 237 is a true and correct copy of an internship posting for a Town & Country Fashion Internship (“Town & Country Fashion Internship”).

258. Attached hereto as Exhibit 238 is a true and correct copy of an internship posting for a Veranda Advertising Internship (“Veranda Advertising Internship”).

259. Attached hereto as Exhibit 239 is a true and correct copy of an internship posting for Woman’s Day Internships (“Woman’s Day Internship”).

260. Attached hereto as Exhibit 240 is a true and correct copy of an internship posting for a Woman’s Day Editorial Internship (“Woman’s Day Editorial Internship”).

261. Attached hereto as Exhibit 241 is a true and correct copy of the U.S. Dep’t of Labor Fact Sheet #71 (“DOL Factors”).

262. Attached hereto as Exhibit 242 are true and correct copies of relevant excerpts of the deposition transcript of Catherine Reese, dated January 28, 2013 (“Reese Tr.”).

263. Attached hereto as Exhibit 243 is a true and correct copy of a job posting for an Esquire Magazine Marketing Integration Associate (“Esquire Marketing Integration Associate”), bearing Bates numbers D0016964-16965.

264. Attached hereto as Exhibit 244 is a true and correct copy of a job posting for an Esquire Marketing Assistant (“Esquire Marketing Assistant”), bearing Bates number D0016972-16973.

265. Attached hereto as Exhibit 245 is a true and correct copy of a letter, dated December 31, 2012 from Frank A. Bennack, Jr. about Hearst’s 2012 Annual Review (“Letter from F. Bennack, Jr. re 2012 annual review”).

266. Attached hereto as Exhibit 246 is a true and correct copy of the proposed Class Action Notice.

267. Attached hereto as Exhibit 247 is a true and correct copy of an internship posting for a Hearst Communications Internship (“Hearst Communications Internship”).

268. Attached hereto as Exhibit 248 is a true and correct copy of an internship posting for a Hearst Marketing Internship (“Hearst Marketing Internship”).

269. Attached hereto as Exhibit 249 is a true and correct copy of an internship posting for a Hearst Human Resources Internship (“Hearst Human Resources Internship”).

270. Attached hereto as Exhibit 250 is a true and correct copy of an internship posting for a Hearst Public Relations Internship (“Hearst Public Relations Internship”).

271. Attached hereto as Exhibit 251 is a true and correct copy of an internship posting for a Hearst Special Events Internship (“Hearst Special Events Internship”).

272. Attached hereto as Exhibit 252 is a true and correct copy of an internship posting for a Hearst Design Internship (“Hearst Design Internship”).

273. Attached hereto as Exhibit 253 is a true and correct copy of the Hearst magazines website, <http://www.hearst.com/magazines/> (“Hearst Magazines website”), last visited Mar. 4, 2013.

274. Attached hereto as Exhibit 254 is a true and correct copy of an email from A. Wright (“A. Wright Email”), which was Exhibit 13 to the Deposition of Abbe Wright.

275. Attached hereto as Exhibit 255 is a true and correct copy of an internship posting for O, The Oprah Magazine paid and unpaid internships (“Oprah Paid/Unpaid Posting”).

276. Attached hereto as Exhibit 256 is a true and correct copy of an email, dated August 3, 2011 from Amy Helmus (“Email, dated Aug. 3, 2011”), which was Exhibit 3 to the Deposition of Amy Helmus.

277. Attached hereto as Exhibit 257 is a true and correct copy of an internship posting for a Cosmopolitan Bookings Intern (“Cosmopolitan Bookings Intern”).

278. Attached hereto as Exhibit 258 is a true and correct copy of an internship posting for a Seventeen Magazine Bookings Internship (“Seventeen Magazine Bookings Internship”).

279. Attached hereto as Exhibit 259 is an email, dated December 27, 2011 from P. Kruse to A. Helmus (“Email, dated Dec. 27, 2011”), bearing Bates number D0004009-11.

280. Attached hereto as Exhibit 260 is a true and correct copy of a job posting for a Marie Claire Editorial Assistant (“Marie Claire Editorial Assistant”), bearing Bates numbers 16929-30.

281. Attached hereto as Exhibit 261 is a true and correct copy of a job posting for a Marie Claire Editorial Assistant (“Marie Claire Editorial Assistant”), bearing Bates numbers 16949-50.

282. Attached hereto as Exhibit 262 is a true and correct copy of a job posting for a House Beautiful Editorial Assistant (“House Beautiful Editorial Assistant”).

283. Attached hereto as Exhibit 263 is a true and correct copy of a job posting for an Esquire Editorial Assistant (“Esquire Editorial Assistant”).

284. Attached hereto as Exhibit 264 is a true and correct copy of a job posting for a Good Housekeeping Editorial Assistant (“Good Housekeeping Editorial Assistant”), bearing Bates numbers 16922-23.

285. Attached hereto as Exhibit 265 is a true and correct copy of a job posting for a Good Housekeeping Editorial Assistant (“Good Housekeeping Editorial Assistant”), bearing Bates numbers D016991-92.

286. Attached hereto as Exhibit 266 is a true and correct copy of a job posting for a Cosmopolitan Editorial Assistant (“Cosmopolitan Editorial Assistant”), bearing Bates numbers D016931-32.

287. Attached hereto as Exhibit 267 is a true and correct copy of a job posting for a Cosmopolitan Editorial Assistant (“Cosmopolitan Editorial Assistant”), bearing Bates numbers D016947-48.

288. Attached hereto as Exhibit 268 is a true and correct copy of a job posting for a Woman’s Lifestyle Editorial Assistant (“Woman’s Lifestyle Editorial Assistant”).

289. Attached hereto as Exhibit 269 is a true and correct copy of an email, dated January 12, 2012 from A. Martinez to K. Westervelt (“Email, dated Jan. 12, 2012”), bearing Bates number D0135189.

290. Attached hereto as Exhibit 270 is a true and correct copy of an email, dated February 14, 2012 from A. Martinez to M. Roynon (“Email, dated Feb. 14, 2012”), bearing Bates number D0160978.

291. Attached hereto as Exhibit 271 is a true and correct copy of a list of Hearst interns produced by Defendant (“Spring 2012 Intern List”).

292. Attached hereto as Exhibit 272 is a true and correct copy of a list of Hearst interns produced by Defendant (“Summer 2011 Intern List”).

293. Attached hereto as Exhibit 273 is a true and correct copy of an email, dated August 16, 2012 from T. Ghareeb (“Email, dated Aug. 16, 2012”), bearing Bates number D0177256.

294. Attached hereto as Exhibit 274 is a true and correct copy of a document titled, U.S. Magazine Business (“U.S. Magazine Business Core Magazines and Magazines G&A”).

295. Attached hereto as Exhibit 275 is a true and correct copy of a Howard University Course Syllabus (“Course Syllabus”), which was Exhibit 18 in the Deposition of Erin Spencer.

296. Attached hereto as Exhibit 276 is a true and correct copy of the New York Department of Labor's internship criteria ("N.Y. Dep't of Labor, Wage Requirements for Interns in For-Profit Businesses").

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 4, 2013

Respectfully submitted,

/s/ Rachel Bien
Rachel Bien

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